

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,  
)  
)  
Plaintiff,  
)  
vs.  
)  
KATHY NELSON,  
)  
Defendant.  
)

2:07-CR-00132-PMP-RJJ

## ORDER

Before the Court for consideration is Defendant Kathy Nelson's Motion to Vacate Under 28 U.S.C. § 2255 (Doc. #93), filed August 3, 2010. The Court finds that on each of the arguments set forth by Defendant Nelson in support of her Motion must be rejected and that her Motion must be denied.

Specifically, Defendant has failed to demonstrate that representation by her counsel was deficient or that any deficiency in her counsel's performance would have altered the results of her conviction and her sentence. Strickland v. Washington, 466 U.S. 668, 387-88 (1984).

Second, Defendant has failed to demonstrate that Plaintiff United States breached any aspect of the plea agreement in her case. Finally, it is abundantly clear from the record that Defendant Nelson did not receive erroneous advice concerning the deadline for filing an appeal, and that the appeal in her case was dismissed because she escaped from federal custody while her appeal was pending. The Court finds Defendant Kathy Nelson's Motion to be meritless.

**IT IS THEREFORE ORDERED** that Defendant Kathy Nelson's Motion to Vacate Under 28 U.S.C. § 2255 (Doc. #93) is DENIED.

DATED: January 10, 2011.

Philip M. Orr

**PHILIP M. PRO**  
United States District Judge